



United States Environmental Protection Agency
Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

JAN 07 2016

Kevin A. King
Operations Manager
EIC, Inc., dba/Prompto 10 Minute Oil Change
280-282 Washington Street
Claremont, NH 03743

Certified Mail
Return Receipt Requested

Re: Request for Information Pursuant to Section 308 of the Clean
Water Act (33 U.S.C. § 1318), Docket No. CWA-308-R01-FY16-53

Dear Mr. King:

Certain water discharges from the Prompto 10 Minutes Oil Change facility located at 280-282 Washington Street, Claremont, New Hampshire, were previously covered under the Dewatering General Permit (DGP) (NPDES No. NHG070039). The U.S. Environmental Protection Agency (EPA) accepted your complete Notice of Intent (NOI) to be covered by the DGP in a letter to you dated August 20, 2009. The DGP expired on September 30, 2013 and was administratively continued in accordance with 40 C.F.R. §122.6(a) until the current DGP (NHG070000) became effective on May 20, 2015. If you wish to continue the activity regulated by this general permit, you must submit a complete NOI for coverage under the reissued DGP (See duty to reapply at 40 C.F.R. § 122.41 (b)), and receive approval from EPA.

Mr. Greene of the New Hampshire Department of Environmental Services (DES), in a series of e-mails dated November 19, 2015, explained to you that EPA requires effluent and upstream metals and hardness data in order to complete the NOI application process. Continuing to discharge without coverage under the DGP or an individual permit is in violation of the Clean Water Act prohibition against discharging without an NPDES permit (33 U.S.C. § 1311(a)). *Except as in compliance with this section and sections 1312, 1316, 1317, 1328, 1342, and 1344 of this title, the discharge of any pollutant by any person shall be unlawful.* See also Section 4.3.2 of the current DGP¹.

Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes EPA to require any owner or operator to provide information needed to determine whether there has been a violation of the Act. Accordingly, you are hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a) to respond to this Request for Information (the "Request") **within 30 calendar days of receipt of this letter.**

¹ <http://www3.epa.gov/region1/npdes/dewatering.html>

Please read the instructions in Enclosure 1 carefully before preparing your response and answer each requirements in Enclosure 2 as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Enclosure 3, accompanies this letter.

Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912
Attention: Doug Corb (OEP-06-1)

And

Dennis J. Greene, PE
Municipal Permits Engineer
Wastewater Engineering Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, Concord, NH 03301

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an EPA enforcement action. The enclosed Information Sheet contains information regarding their rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

The company may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice.

If you have questions regarding this Request, please contact Doug Corb of my staff at 617-918-1565, or have your attorney contact Jeffrey Kopf, Senior Enforcement Counsel, at 617-918-1796.

Sincerely,

A handwritten signature in blue ink, appearing to read "James Chow", with a stylized flourish extending to the right.

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

Enclosures

cc: Douglas Chamberlain, Esq. (Registered Agent), 9 Capitol Street, Concord, NH 03301
(certified mail)
Dennis J. Greene, PE, Wastewater Engineering Bureau, NHDES
Doug Corb, Environmental Scientist, EPA Region 1 (via email)
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1 (via email)

Enclosure No. 1

Information Request Instructions

1. Please provide a separate response to each and every submission requirement. Precede each answer with the text and the number of the requirement to which the answer corresponds.
2. If any requirement cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. Any documents referenced or relied upon by you to answer any of the requirement in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the requirement to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.
4. If information or documents not known or not available to you as of the date of the submission of the response to this Request for Information should later become known, or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is inaccurate or incomplete, you must notify the EPA of this finding as soon as possible and provide a corrected response.

Enclosure No. 2

Provide the following required information

- 1) You are required to take a sample of your groundwater discharge and a stream water sample in the Sugar River near the discharge point (just upstream), and have the samples analyzed at a qualified lab. The required sample analysis is described on page 19, Section 4.4.5 of the Final Dewatering General Permit (DGP).² Include the results of laboratory analyses of a representative sample of the effluent for the following parameters:

Antimony	Chromium (Total)*	Chloride	Silver*
Arsenic	Chromium (VI)*	Iron	Zinc*
Cadmium*	Copper*	Mercury	Lead*
pH		Nickel*	

*Hardness Dependent – sample of receiving water hardness

The effluent sample shall be taken at a location that provides a representative analysis of the proposed discharge. For the effluent sample, to the extent practicable, the sample shall be taken just prior to discharge to the receiving water. The instream sample for hardness shall be taken in the vicinity of the discharge but upstream or in a location unaffected by either the facility discharge or other facility activities that could affect water quality. All metals shall be reported as total recoverable.

All effluent samples, as well as the in-stream sample for hardness, shall be analyzed using the 40 C.F.R. Part 136 approved test methods that will achieve the lowest available minimum levels (MLs) (See Appendix VIII of DGP). Provide all sampling results to EPA.

- 2) Provide copies of all Discharge Monitoring Reports prepared under the DGP since 2013 to EPA.

End of list

² <http://www3.epa.gov/region1/npdes/dewatering.html>

Enclosure No. 3 - Statement of Certification for EIC, Inc., dba/Prompto 10 Minute Oil Change

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of EIC, Inc., dba/Prompto 10 Minute Oil Change. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By

(Signature)

(Print Name)

(Title)

(Date)



U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs

www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman

www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage

www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrf.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses

www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<http://www.epa.gov/sbrefa/compliance-guides.html>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

<http://www.epa.gov/sbo/rsbl.htm>

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.epa.gov/sbo/507program.htm

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www2.epa.gov/enforcement/small-businesses-and-enforcement

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www2.epa.gov/compliance/epas-audit-policy

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.